

**REDACTED – FOR PUBLIC DISCLOSURE**

**Before the  
Federal Communications Commissions  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	

**AT&T MOBILITY LLC (F/K/A CINGULAR WIRELESS, LLC) (SAC 199009)  
ELIGIBLE TELECOMMUNICATIONS CARRIER ANNUAL REPORT AND  
CERTIFICATION IN COMPLIANCE WITH  
47 C.F.R. § 54.209(a)**

**I. INTRODUCTION**

In accordance with the standards and requirements established by the Federal Communications Commission (“Commission”), AT&T Mobility LLC (“AT&T Mobility”) submits this Annual Report and Certification, and respectfully requests the Commission to certify its eligibility to receive high-cost support from the federal universal service fund for calendar year 2010.

**II. BACKGROUND**

On November 7, 2006, Cingular Wireless, LLC (“Cingular”) filed a petition for designation as a competitive eligible telecommunications carrier (“ETC”) in certain areas served by non-rural telephone companies and entire study areas served by certain rural telephone companies in the Commonwealth of Virginia (“VA ETC Petition”).<sup>1</sup> On December 29, 2006,

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<sup>1</sup> See *Federal-State Joint Board on Universal Service, Petition of Cingular Wireless, LLC for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e)(6) of the Communications Act*, CC Docket No. 96-45 (filed November 7, 2006). See also letter from Russell P. Hanser, Counsel for Cingular, to Marlene H. Dortch, Secretary, Federal

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subsequent to the submission of the VA ETC Petition, AT&T Inc. and BellSouth Corporation, the parent companies of Cingular, merged and Cingular became a wholly owned subsidiary of AT&T Inc. Cingular then changed its name to AT&T Mobility.

In its May 1, 2008 *CETC Cap Order*, the Commission approved a number of pending petitions for ETC designation, including the AT&T Mobility VA ETC Petition.<sup>2</sup> The study area code (“SAC”) for AT&T Mobility is 199009.

By Order dated April 12, 2004,<sup>3</sup> Highland Cellular was designated in the Honaker/Swords Creek wire center of Verizon Virginia Inc., the Bland and Ceres wire centers of United Telephone Company, and the Burkes Garden Telephone Company study area. The SAC for Highland Cellular was 199002.

Highland Cellular was a subsidiary of Dobson Cellular Corporation. On November 15, 2007, the Commission approved AT&T Inc.’s application to acquire Dobson Communications Corporation (“Dobson”), the parent corporation of Highland Cellular. Following the acquisition

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Communications Commission (filed September 4, 2007) submitting maps of Cingular’s coverage area.

<sup>2</sup> See *In the Matter of High-Cost Universal Service Support, Federal-State Joint Board on Universal Service, Alltel Communications, Inc., et al. Petitions for Designation as Eligible Telecommunications Carriers, RCC Minnesota, Inc. and RCC Atlantic, Inc. New Hampshire ETC Designation Amendment*, Order, WC Docket No. 05-337, CC Docket No. 96-45 (rel. May 1, 2008) (“*CETC Cap Order*”) at Appendix B.

<sup>3</sup> *In the Matter of Federal-State Joint Board on Universal Service, Highland Cellular, Inc. Petition for Designation as an Eligible Telecommunications Carrier*, CC Docket 96-45, Memorandum Opinion and Order, FCC 04-37 (rel. April 12, 2004) (“*ETC Designation Order*”).

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of Dobson, Highland Cellular remained a wholly-owned subsidiary of Dobson and its manager became AT&T Mobility Corporation.<sup>4</sup>

On November 5, 2009, AT&T Inc., on behalf of its wholly-owned affiliates Highland Cellular, LLC and AT&T Mobility LLC, informed the Commission that it intended to consolidate the Highland Cellular (SAC 199002) and the AT&T Mobility (SAC 199009) ETC designations in Virginia at the end of 2008 or the beginning of 2009 and that it would work with the Universal Service Administrative Company (“USAC”) to consolidate the SACs.<sup>5</sup> On March 31, 2009, AT&T consolidated the various Dobson legal entities, including Highland, with current AT&T legal entities. AT&T provided USAC with notice of this consolidation on May 29, 2009, and stated that as of March 31, 2009, SAC 199009 would include all wire centers previously associated with SAC 199002 and 199009.<sup>6</sup> As such, AT&T Mobility is making this filing for SAC 199009 which includes all areas in which AT&T Mobility and Highland Cellular have been designated as an ETC in the Commonwealth of Virginia and shall be collectively referred to as AT&T Mobility’s “Designated Area.”

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<sup>4</sup> *In the Matter of Applications of AT&T Inc. and Dobson Communications Corporation for Consent to Transfer Control of Licenses and Authorization*, WT Docket No. 07-153 (rel. Nov 15, 2007).

<sup>5</sup> See letter dated November 5, 2008 from Cathy Carpino, General Attorney, to Ms. Marlene H. Dortch, Secretary, re: *High-Cost Universal Service Support*, WC Docket No. 05-337; *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45; *Highland Cellular, LLC (SAC 199002) and AT&T Mobility (SAC 199009) Virginia ETC Designations*.

<sup>6</sup> See letter dated May 29, 2009 from Jamie Tan, Director, to Karen Majcher, Vice President of USAC re: *Change of ETC Designations from Dobson to AT&T Mobility and Refile of Form 525*.

III. AT&T MOBILITY'S ANNUAL REPORTING IN ACCORDANCE WITH SECTION 54.209(a)

Section 54.209(a) of the Commission's Rules requires a common carrier previously designated by the Commission as an ETC to annually report certain information no later than October 1st of each calendar year.

A. AT&T Mobility's Progress Report On Its Service Improvement Plan

Section 54.209(a)(1) of the Commission's Rules requires an ETC to provide a progress report on its previously filed Service Improvement Plan. The progress report must include maps detailing the Company's progress toward meeting its planned targets, an explanation of how much universal service support was received and how it was used to improve signal quality, coverage or capacity, and an explanation regarding any network improvement plan targets that have not been fulfilled. AT&T Mobility developed and filed with the Commission a five-year Service Improvement Plan on November 7, 2006. Highland Cellular developed and filed with the Commission a five-year Service Improvement Plan on September 26, 2006 in this docket. AT&T Mobility is providing as Confidential Exhibit A-1 its progress report on the previously filed Service Improvement Plans for AT&T Mobility and Highland Cellular for calendar year 2008. Confidential Exhibit A-2 is a coverage map as of the end of 2008. The Service Improvement Plan is subject to change over time for various reasons such as consumer demand, projected universal service support amounts, and projected costs; the content and timing of the projects and improvements set forth in the Serviced Improvement Plan are subject to change. As the AT&T Mobility and Highland Service Improvement plans were last filed in 2006, AT&T Mobility is providing an updated Service Improvement Plan for calendar years 2009 to 2013 for the Designated Area. The updated Service Improvement Plan is included in Confidential Exhibit A-

3. AT&T Mobility is also providing in Confidential Exhibit A-4 maps depicting coverage and cell site locations for each year of the revised Service Improvement Plan year (2009 – 2013).

AT&T Mobility will utilize federal high-cost universal service support for the provision, maintenance, and upgrading of facilities and services for which the support is intended consistent with § 254(e) of the Telecommunications Act of 1996 (the “Act”) and § 54.7 of the Commission’s Rules.

**B. AT&T Mobility Network Outages In Virginia Designated Area**

Section 54.209(a)(2) of the Commission’s Rules requires an ETC to annually report network outages within its Designated Area. The Rule specifically requires:

[d]etailed information on any outage, as that term is defined in 47 C.F.R. 4.5, of at least 30 minutes in duration for each service area in which an eligible telecommunications carrier is designated for any facilities it owns, operates, leases, or otherwise utilizes that potentially affect (i) [a]t least ten percent of the end users served in a designated service area; or (ii) [a] 911 special facility, as defined in 47 C.F.R. 4.5(e). Specifically, the eligible telecommunications carrier’s annual report must include information detailing: (A) [t]he date and time of onset of the outage; (B) [a] brief description of the outage and its resolution; (c) [t]he particular services affected; (D) [t]he geographic areas affected by the outage; (E) [s]teps taken to prevent a similar situation in the future; and (F) [t]he number of customers affected.

AT&T Mobility has provided as Confidential Exhibit B the qualified outages for 2008.

The information provided is for the entire state of Virginia, not just the Designated Area.

**C. AT&T Mobility’s Unfulfilled Requests For Service**

Section § 54.209(a)(3) of the Commission’s Rules require an ETC to annually report the number of requests for service from potential customers within the ETC’s designated service area that were unfulfilled during the past year. The filing must also detail how the ETC attempted to provide service to those potential customers as set forth in Section 52.202(a)(1)(i). In 2008 AT&T Mobility did not have any unfulfilled Service Extension Requests.

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### **D. AT&T Mobility's Complaints Per 1,000 Handsets Or Lines**

Section 54.209(a)(4) of the Commission's Rules require an ETC to annually report the number of complaints per 1,000 handsets or lines. AT&T Mobility has identified the number of complaints received from the Public Service Commission of Virginia, the Commission, the Virginia Attorney General, and the Better Business Bureau (BBB), per 1,000 handsets during the 2008 calendar year as .13 per 1,000 handsets. AT&T Mobility believes that this information best represents customer complaints, which is the requirement. Calls into customer care can be for a large variety of reasons and do not necessarily constitute a complaint, but could instead be an inquiry about service, a question about a bill or so forth. However, customers that send a letter a state or federal agency, the BBB or an AT&T executive more often than not have a complaint and are not contacting the company with an inquiry. The information provided is for the entire state of Virginia and is not limited to the Designated Area.

### **E. AT&T Mobility's Certification Regarding Applicable Service Quality Standards And Consumer Protection Rules**

Section 54.209(a)(5) of the Commission's Rules requires an ETC to certify that it is complying with applicable service quality standards and consumer protection rules. AT&T Mobility's compliance with the terms and conditions of the CTIA Consumer Code for Wireless Service meets this requirement. AT&T Mobility certifies that it has complied and will continue to comply with the principles set forth therein.

### **F. AT&T Mobility's Certification Regarding Its Ability To Function In Emergency Situations**

Section 54.209(a)(6) of the Commission's Rules requires an ETC to certify an ability to function in emergency situations as set forth in § 54.202(a)(2) of the Commission's Rules. The standards set forth in § 54.202(a)(2) include a reasonable amount of back-up power to ensure

functionality without an external power source, an ability to reroute traffic around damaged facilities and a capability to manage traffic spikes resulting from emergency situations. AT&T Mobility has in place emergency operation procedures so that it can function in an emergency. Backup power is provided at switch locations and cell sites through a combination of batteries, portable generators and permanent generators. AT&T Mobility also has mobile switches and portable COWs (Cells on Wheels) that it can deploy in the event of an emergency. Based on the foregoing, AT&T Mobility certifies it is able to function in emergency situations as set forth in § 54.202(a)(2).

G. **AT&T Mobility's Certification Regarding Its Provision Of A Comparable Local Usage Plan**

Section 54.209(a)(7) of the Commission's Rules requires an ETC to certify it is offering a local usage plan comparable to the incumbent LEC in the relevant service areas. In the *ETC Report and Order*, the Commission declined to adopt a specific local usage threshold or require that an applicant match the incumbent LEC's offering.<sup>7</sup> Rather, the Commission concluded that the comparability of rate plans should be evaluated on a case-by-case basis, in consideration of the number of included minutes, the size of the "local" calling area, monthly price, and other factors.<sup>8</sup>

AT&T Mobility offers calling plans that provide customers local usage that is comparable to the incumbent LECs when taking into account all of the additional benefits of AT&T Mobility's current service offerings. AT&T Mobility currently offers post-paid calling plans that include nationwide long distance calling and roaming within the United States. AT&T

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<sup>7</sup> *In the Matter of Federal-State Joint Board on Universal Service*, Report and Order, CC Dkt. No. 96-45 (rel. March 17, 2005), ¶¶ 32 and 33. ("*ETC Report and Order*")

<sup>8</sup> *Id.*

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Mobility also offers an Unlimited Rate Plan which offers unlimited calling within the United States. Most of AT&T Mobility's currently offered post-paid calling plans include unlimited nights and weekend minutes, while some of the lower priced plans offer generous allotments of night and weekend minutes. Most currently offered post-paid calling plans offer unlimited mobile calling between AT&T Mobility customers, and allow the customer to rollover unused minutes for use in subsequent months. Further, AT&T Mobility's calling plans currently offer all of the following features at no extra charge: Voice Mail, Caller ID, Call Forwarding, Call Waiting, and Three-Way Calling. In addition to these calling plans, AT&T Mobility also offers an option for prepaid or pay-as-you-go wireless service. All of AT&T Mobility's calling plans inherently include the added value of being mobile and as such increases the value of AT&T Mobility's calling plans.

Based on the foregoing, AT&T Mobility certifies that it offers and will continue to offer at least one comparable local usage plan as required by Section 54.209(a)(7).

### **H. AT&T Mobility's Certification Regarding the Commission's Ability to Require It To Provide Equal Access**

AT&T Mobility hereby certifies that the Commission, pursuant to 47 U.S.C. § 332(c)(8), may require it to provide equal access to long distance carriers in the event that no other ETC is providing equal access within its Designated Area.



IV. CONCLUSION

Based on the foregoing information, AT&T Mobility respectfully requests the Commission to certify its eligibility to receive federal universal service support for calendar year 2010 in accordance with 47 C.F.R. §§ 54.313 and 54.314.

Dated: \_\_\_\_\_

09/28/09

AT&T MOBILITY LLC

By: \_\_\_\_\_

Erika K. Thompson-Kemp

**Before the  
Federal Communications Commissions  
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In the Matter of

Federal-State Joint Board on  
Universal Service

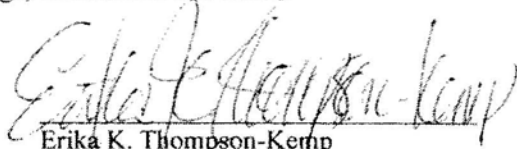
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CC Docket No. 96-45

**CERTIFICATION**

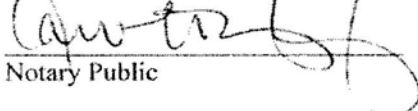
The undersigned, Erika K. Thompson-Kemp, does hereby certify as follows:

1. I serve as Vice President/General Manager Sales for AT&T Mobility LLC ("AT&T Mobility") and am an officer of AT&T Mobility.
2. This certification is submitted in support of the AT&T Mobility's ETC Annual Report and Certification in compliance with 47 C.F.R. §54.209(a).
3. I have reviewed the ETC Certification and Annual Report and the facts stated therein are true and correct to the best of my knowledge, information and belief.

  
Erika K. Thompson-Kemp

Henrico County, VA

Subscribed and sworn to me  
this 23 day of September, 2009

  
Notary Public

Carol A. Murphy  
My Commission Expires  
December 31, 2009

Reg # 356385

(NOTARY SEAL)



**CONFIDENTIAL EXHIBIT A-1**

**2008 PROGRESS REPORT ON SERVICE  
IMPROVEMENT PLAN**

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**CONFIDENTIAL EXHIBIT A-2**

**WIRELESS COVERAGE MAP AS OF END OF 2008**

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**CONFIDENTIAL EXHIBIT A-3**

**UPDATED SERVICE IMPROVEMENT PLAN  
(2009 – 2013)**

**REDACTED FOR PUBLIC DISCLOSURE**

**CONFIDENTIAL EXHIBIT A-4**

**WIRELESS COVERAGE MAP**  
**AS OF END OF YEARS 2009 – 2013**

**REDACTED FOR PUBLIC DISCLOSURE**

**CONFIDENTIAL EXHIBIT B**

**OUTAGE REPORT**

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